

IN RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SM/S Reisterstown Road, 115' W of Franklin Blvd. (11904 Reisterstown Road) 4th Election District 3rd Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case Nos. IV-452 & 94-221-XA

C. E. McWilliams, Jr., et ux Owners, and Exxon Corporation, Contract Purchaser/Developer

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer as a combined Development Plan hearing and Petitions for Special Exception and Variance for the subject property located at the intersection of Reisterstown Road and Franklin Boulevard in the Reisterstown area of Baltimore County. The Development Plan hearing and Petitions were requested by the owners of the property, C. E. McWilliams, Jr., and his wife, Nellie McWilliams, and the Contract Purchaser/Developer, Exxon Corporation, by R. W. Hilchey, its Agent and Attorney in Fact, and James M. Brooks, Jr., Esquire. The Owners/Contract Purchasers seek approval of a development plan prepared by Frederick Ward and Associates, Inc. for the proposed development of the subject property with an automotive service station, including a food store and car wash operation, in accordance with the plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners/Contract Purchasers seek a special exception to permit the use of the subject property as an automotive service station, pursuant to Section 405.2.b.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), a food store of 1,431 sq.ft., pursuant to Section 405.4.b.8 of the B.C.Z.R., and a car wash of 871 sq.ft., pursuant to Section 405.4.d.4 of the B.C.Z.R. Also variance relief from the B.C.Z.R. is sought as follows: From Section 409.4.C to permit two-way drive aisle widths of 2.1 feet and 19.5 feet in

lieu of the required 20 feet; from Section 419.2 to permit on-site stacking for the car wash operation of 15 spaces in lieu of the required 17 spaces; from Section 405.4.A.3.b to permit an angle of intersection of 30 degrees in lieu of the required 45 degrees; from Section 405.4.A.3 to permit curb tangent lengths of 0 feet and 1 foot in lieu of the required 10 feet; and from Section 413.2.F to permit two (2) freestanding, ground-mounted, business identification signs totaling 199.10 sq.ft. in lieu of the permitted three (3) signs totaling 100 sq.ft. The relief requested in the Petitions filed is more particularly described on the Plan to Accompany same which has been identified herein as Petitioner's Exhibit 12.

Appearing at the public hearing required for this project were James M. Brooks, Jr., Esquire, Tim Whittle, Professional Engineer, Wes Guckert, Traffic Engineering expert, David Straub, a representative of Exxon Corporation, Dean M. Jerome and David Altfield. No one appeared in opposition to the relief requested. However, one individual appeared on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council, and a representative of the Franklin High School Parents, Teachers, and Students Association (PTSA) was also present. Also in attendance were numerous representatives of the various Baltimore County agencies who reviewed the development plan and site plan filed in this matter.

As to the history of this project, the concept plan conference for this development was conducted on September 27, 1993. As required, a community input meeting was held on November 8, 1993. Subsequently, the developer submitted a development plan and a conference thereon was conducted on December 22, 1993. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments

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By [Signature]

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hearing a last revised date of January 7, 1994, was submitted at the combined hearing on both the development plan and the Petitions for Special Exception and Variance held before me on January 12, 1994.

The subject property, known as 11904 Reisterstown Road, consists of a gross area of 0.92 acres, more or less, zoned B.L.-C.N.S., and is located in the Reisterstown area of Baltimore County on Reisterstown Road, near its intersection with Franklin Boulevard. The property is proposed to be improved with an automotive service station with a combination food store and car wash operation in accordance with the Development Plan submitted into evidence as Developer's Exhibit 1 and the Plan to Accompany the Petitions filed for Special Exception and Variance relief which was entered into evidence as Petitioner's Exhibit 12.

At the preliminary stage of the development plan hearing, it was to be determined whether there were any outstanding issues which remained unresolved for which testimony needed to be taken. Mr. Brooks, attorney for the Developer/Contract Purchaser, testified that any issues that had arisen during the development plan review process had been resolved prior to this hearing. Mr. Brooks introduced a letter dated January 7, 1994 from Irv McDaniel with the Office of Planning and Zoning, indicating the issue raised by that Office had been resolved. Mr. Brooks also presented a letter dated January 11, 1994 from J. Lawrence Pilon of the Department of Environmental Protection and Resource Management (DEPRM), indicating the issue concerning forest conservation requirements had been resolved. Mr. Brooks then stated that he was unaware of any other outstanding issues which needed to be addressed.

The representatives from the various Baltimore County agencies in attendance were then asked whether they were aware of any unresolved issues

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concerning the development plan. Mr. Lew Schreiber of the Department of Public Works, identified two minor issues, one dealing with the width of the sidewalks for this project. Mr. Schreiber indicated that the proposed sidewalks need to be 5 feet wide in lieu of the 4-foot width shown on the plan. He also stated that the language on the plan concerning the proposed utility easement needed to be corrected. Mr. Whittle, the Professional Engineer who prepared the site plan for the Developer, indicated that those changes would be made to the plan and therefore, there was no need to take testimony on same.

I then asked if any representative from any citizen's group or any citizen wished to be heard concerning the development plan and there was no response from those in attendance. Therefore, there being no further issues concerning the development plan for which any testimony needed to be taken, we next turned our attention to the Petitions for Special Exception and Variance.

As to the relief sought in the Petitions filed, it was necessary for Mr. Brooks to offer testimony and evidence as to the need for same. Mr. Brooks proffered on behalf of his client, the testimony of Mr. Whittle who prepared the site plan of the property, marked Petitioner's Exhibit 12. The proffered testimony indicated that the proposed project satisfies all the requirements of Section 502.1 of the B.C.Z.R. Further, Mr. Brooks stated that the specific findings for a service garage use as set forth in Section 405.3.a thru d, inclusive, will be met by this project.

Mr. Brooks also proffered the testimony of Mr. Wes Guckert, who was accepted as an expert in the area of traffic engineering. The proffered testimony demonstrated that the proposed service station on this property will not pose any adverse traffic consequences upon this area.

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Testimony revealed that a service station of this nature will accommodate the existing traffic already using Reisterstown Road and Franklin Boulevard and will not attract new traffic to the area. Therefore, no additional increase in traffic will be caused by the proposed development.

Mr. Brooks also proffered the testimony of Mr. David Straub, who appeared on behalf of the Exxon Corporation. Testimony indicated that Mr. Straub met with the Reisterstown-Owings Mills-Glyndon Coordinating Council and the Franklin High School PTSA with respect to this project. Testimony revealed that a restrictive covenant agreement was entered into between those organizations and the Developer, a copy of which was entered into evidence as Petitioner's Exhibit 10. That agreement will be incorporated into this Order and enforceable as if a part of the terms and conditions of this Order. Testimony also revealed that Mr. Straub performed a market analysis of the subject site which clearly demonstrated a need for the type of use proposed. Furthermore, his testimony revealed that there was no other abandoned gasoline service stations within a one-mile radius of this site.

The proffered testimony of all of the witnesses who appeared on behalf of the Petitioner clearly satisfies the practical difficulty standards imposed by Section 307.1 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan, special exception and variance relief sought shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 14th day of January, 1994 that the development plan for Exxon Corporation, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

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By [Signature]

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IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of the subject property as an automotive service station, pursuant to Section 405.2.b.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), a food store of 1,431 sq.ft., pursuant to Section 405.4.b.8 of the B.C.Z.R., and a car wash of 871 sq.ft., pursuant to Section 405.4.d.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit 12, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 409.4.C to permit two-way drive aisle widths of 2.1 feet and 19.5 feet in lieu of the required 20 feet; from Section 419.2 to permit on-site stacking for the car wash of 15 spaces in lieu of the required 17 spaces; from Section 405.4.A.3.b to permit an angle of intersection of 30 degrees in lieu of the required 45 degrees; from Section 405.4.A.3 to provide curb tangent lengths of 0 feet and 1 foot in lieu of the required 10 feet; and from Section 413.2.F to permit two (2) freestanding, ground-mounted, business identification signs totaling 199.10 sq.ft. in lieu of the permitted three (3) signs totaling 100 sq.ft., in accordance with Petitioner's Exhibit 12, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Restrictive Covenant Agreement entered into between the Altfield Development Company, the Reisterstown-Owings Mills-Glyndon Coordinating Council, and the Franklin High School PTSA, identified herein as Petitioner's Exhibit 10, is hereby incorporated into this Order and shall be enforceable as if a part of this Order.

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1) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-204 of the Baltimore County Code.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/14/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 1131 Courthouse
400 Washington Avenue
Towson, MD 21204

January 14, 1994

(410) 887-4386

James W. Brooks, Jr., Esquire
Piper & Marbury
36 S. Charles Street
Baltimore, Maryland 21201

RE: DEVELOPMENT PLAN HEARING AND
PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SW/S Reisterstown Road, 115' W of Franklin Blvd.
(11904 Reisterstown Road)
4th Election District - 3rd Councilmanic District
C. E. McWilliams, Jr., et ux, Owners
and Exxon Corporation - Contract Purchaser/Developer
Case Nos. IV-452 & 94-221-XA

Dear Mr. Brooks:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petitions for Special Exception and variance granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: R. W. Hiltchey, Esquire
6301 Ivy Lane, Suite 700, Columbia, Md. 20770

Mr. & Mrs. C. E. McWilliams, Jr., 11904 Reisterstown Road,
Reisterstown, Md. 21136

People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an AUTOMOBILE SERVICE STATION SUBSTANTIAL TO SECTION 405.2.B.2 WITH A FOOD STORE OF 1,511 sq. ft. pursuant to Section 405.4.D.B. and a car wash of 871 sq. ft. pursuant to Section 405.4.D.C.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

See Attached Sheet

Contract Purchaser/Lessee:

Exxon Corporation

(Type or Print Name)

Signature *[Signature]*

6301 Ivy Lane, Suite 700

Address

Greenbelt, Maryland 20770

City and State

Attorney for Petitioner:

James W. Brooks, Jr.

(Type or Print Name)

Signature *[Signature]*

36 S. Charles Street

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No. 410-576-1758

Legal Owner(s):

C.E. McWilliams, Jr.

(Type or Print Name)

Signature *[Signature]*

6301 Ivy Lane, Suite 700

Address

Greenbelt, Maryland 20770

City and State

Attorney for Petitioner:

James W. Brooks, Jr.

(Type or Print Name)

Signature *[Signature]*

36 S. Charles Street

Address

Baltimore, MD 21201

City and State

Attorney's Telephone No. 410-576-1758



ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *[Signature]* DATE 12/3/93

Additional Contract Purchaser

Altfield Development Company, Inc.

By: *[Signature]*

David E. Altfield

President

22 West Allegheny Avenue
Suite 210
Towson, Maryland 21204

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 12/14/93
Posted for: Special Exception & Variance
Petitioner: Exxon Corp. & Piper & Marbury
Location of property: 11904 Reisterstown Rd. at Franklin Blvd.
Location of Sign: Facing Reisterstown Rd. on property being zoned
Remarks: McWilliams
Posted by: [Signature] Date of return: 12/16/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/16/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON NEWS, a weekly newspaper published in Towson, Baltimore County, MD., and to each of the following newspapers: 11904

Variances Requested

1. From Section 409.4.C to permit two-way drive aisles of 2.1 feet and 19.5 feet in lieu of the required 20 feet.
2. From Section 419.2 to permit on-site stacking for the car wash of 15 spaces in lieu of the required 17 spaces.
3. From Section 405.4.A.3.b to permit an angle of intersection of 30 degrees in lieu of the required 45 degrees.
4. From Section 405.4.A.3.a to provide curb tangent lengths of 0 feet and 1 foot in lieu of the required 10 feet.
5. From Section 413.2.F to permit two (2) free standing, ground mounted, business identification signs totaling 199.10 square feet in lieu of the permitted three (3) signs totaling 100 square feet. The calculation of the area for these signs includes the brick supports on the sides of the signs but does not include the pricing sections mandated by Maryland law.

Statement in Support

The proposed site plan was developed by Exxon Corporation in conjunction with the Reisterstown - Owings Mills - Glyndon Coordinating Council, Inc. ("ROG"). The improvements associated with a modern service station, combined with applicable Baltimore County Zoning Regulations ("BCZR") and the location and configuration of this property, create practical difficulties and hardships in several areas: (i) in an attempt to ease traffic concerns, entrances have been moved as far from the intersection as possible (curb tangent length variance) and one exit is angled to prevent misuse as an entrance (angle of intersection variance); satisfying the BCZR requirements for fueling and fuel stacking spaces and the BCZR requirements for parking spaces requires considerable areas of the property (drive aisle width variance); satisfying the BCZR requirements for car wash stacking (car wash stacking variance) requires considerable areas of the property; and the major identification signs must be of sufficient size to safely and accurately convey to passing motorists in a timely manner information concerning services offered and prices and include brick trim which is counted in the sign area (sign area variance).

Frederick Ward Associates, Inc.
BUSINESS - ARCHITECTS - SURVEYORS

Zoning Description

BEGINNING at a point on the south side of Reisterstown Road which has an ultimate 100-foot wide right-of-way at a distance of 115 feet west of the centerline of Franklin Boulevard which has a variable width right-of-way. Thence the following courses and distances: S 27°34'53" W 227.67 feet, S 46°12'23" W 35.69 feet, W 43°31'39" W 137.95 feet, N 27°34'53" E 265.40 feet, S 43°31'39" E 150.00 feet to the place of beginning.

CONTAINING 37,450 square feet of land.

BEING a part of that parcel recorded in Liber 2281, folio 180. Also known as 11904 Reisterstown Road and located in the Fourth Election District, Baltimore County, Maryland.



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section See Attached Sheet "Variances Requested"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
See Attached Sheet "Statement in Support"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

See Attached Sheet

Contract Purchaser/Lessee:

Exxon Corporation

(Type or Print Name)

Signature *[Signature]*

6301 Ivy Lane, Suite 700

Address

Greenbelt, Maryland 21770

City and State

Attorney for Petitioner:

James W. Brooks, Jr.

(Type or Print Name)

Signature *[Signature]*

36 S. Charles Street

Address

Baltimore, MD 21201

City and State

Attorney's Telephone No. 410-576-1758

C.E. McWilliams, Jr.
(Type or Print Name)

Signature *[Signature]*

6301 Ivy Lane, Suite 700
(Type or Print Name)

Signature *[Signature]*

11904 Reisterstown Rd., 410-813-0062
Address Phone No.

Baltimore, Maryland 21136
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

James W. Brooks, Jr., Piper & Marbury
36 S. Charles Street
Baltimore, MD 21201 410-576-1758
Address Phone No.

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *[Signature]* DATE 12/3/93

Additional Contract Purchaser

Altfield Development Company, Inc.

By: *[Signature]*

David E. Altfield

President

22 West Allegheny Avenue
Suite 210
Towson, Maryland 21204

Baltimore County
Zoning Administration &
Development Management
22 West Allegheny Avenue
Towson, Maryland 21204

receipt
94-221-XA
Account: R-001-4180
Number 230
By JLL

12/3/93
020 NON RES. VAR. FILING FEE \$ 250.00
050 SPECIAL EXCEPTION FILING FEE \$ 300.00
(6) 11904 11904 \$ 70.00
TOTAL \$ 620.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

94-221-XA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Bel Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 230
Petitioner: Exxon Corporation
Location: 11904 Reisterstown Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: James W. Brooks, Jr.
ADDRESS: Piper & Marbury, 36 South Charles Street
Baltimore, MD 21201-2010
PHONE NUMBER: (410) 576-1758

AD:995 (Revised 04/09/93)

TO: POWDERY PUBLISHING COMPANY
December 16, 1993 Issue - Jeffersonian

Please forward billing to:
James W. Brooks, Jr.
Piper & Marbury
36 S. Charles Street
Baltimore, Maryland 21201
410-576-1758

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-221-18 (Item 230)
11904 Reisterstown Road
Belair Station Road and Franklin Boulevard
4th Election District - 3rd Councilmanic
Legal Owner(s): C. E. McWilliams, Jr. and Nellie McWilliams
Contract Purchaser(s): Exxon Corporation and Allfield Development Company, Inc.
HEARING: MONDAY, JANUARY 12, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for an automotive service station with a food store of 1,431 sq. ft. and a car wash of 871 sq. ft. Variance to permit a two-way drive aisle of 21 ft. and 19.5 ft. in lieu of the required 20 ft.; to permit on-site stacking for the car wash of 15 spaces in lieu of the required 17 spaces; to permit an angle of intersection of 30 degrees in lieu of the required 40 degrees; to provide curb tangent lengths of 0 ft. and 1 ft. in lieu of the required 10 ft.; to permit two free standing, ground mounted, business identification signs totalling 199.10 sq. ft. in lieu of the permitted three signs totalling 100 sq. ft. The calculation of the area for these signs includes the brick supports on the sides of the signs but does not include the pricing sections mandated by Maryland law.

LAWRENCE E. PILSON
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

ITEM 230

GIVEN:

HOLD FOR DEV. PLAN PROCESS

Check with John D. before advertising. Due to possible regulation change the insurance may not need to be renewed.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 3, 1994

James W. Brooks, Jr., Esquire
Piper & Marbury
36 South Charles Street
Baltimore, Maryland 21201

RE: Case No. 94-221-XA, Item No. 230
Petitioner: C.E. McWilliams, Jr., et al.
Petitioner for Special Exception and Variance

Dear Mr. Brooks:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 3, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: December 20, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 20, 1993
Item No. 230

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the State Highway Administration Standards for the road improvements along Reisterstown Road.

Robert W. Bowling
Robert W. Bowling, Sr. Engineer
Developers Engineering Section

RWB:s

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

December 17, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP/MS
Development Coordinator, DEPRM

SUBJECT: Zoning Item #230 - Exxon Station
11904 Reisterstown Road
Zoning Advisory Committee Meeting of December 13, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with Regulations for Forest Conservation. Also see Development Plan Comments.

JLP:VK:sp
EXXON2/DEPRM/TXTS8P

**Baltimore County Government
Department of Permits and Licenses**



DECEMBER 16, 1993

(410) 887-3610

111 West Chesapeake Avenue
Towson, MD 21204
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: DECEMBER 13, 1993

Property Owner: BALTIMORE ASSOCIATION OF RETARDED CITIZENS
Location: 87215 YORK ROAD
Item No.: +221 (JCH)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: LUTHERVILLE VOLUNTEER FIRE COMPANY, INC.
Location: 81601 BELLONA AVENUE
Item No.: +225 (JCH)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: C.E. MCWILLIAMS, JR. & NELLIE MCWILLIAMS
Location: 811904 REISTERSTOWN ROAD
Item No.: +227 (JLL)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: BOURQUIN L.L.C.
Location: 87901 BELAIR ROAD
Item No.: +231 (RT)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: HOWARD H. GERMAN, III & SUSAN L. GERMAN
Location: 818411 GUNPOWDER ROAD
Item No.: +229 (RT)
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Property Owner: ROBERT J. RICHARDSON & HOMER E. RICHARDSON
Location: 86400-02 WINDSOR HILL ROAD AND 82104, 82106
Item No.: +224 (JCH)
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Gentlemen:

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

AMENDED DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: P. David Fields, Director - Office of Planning and Zoning

DATE: January 7, 1994

PROJECT NAME: EXXON STATION - 11904 Reisterstown Rd

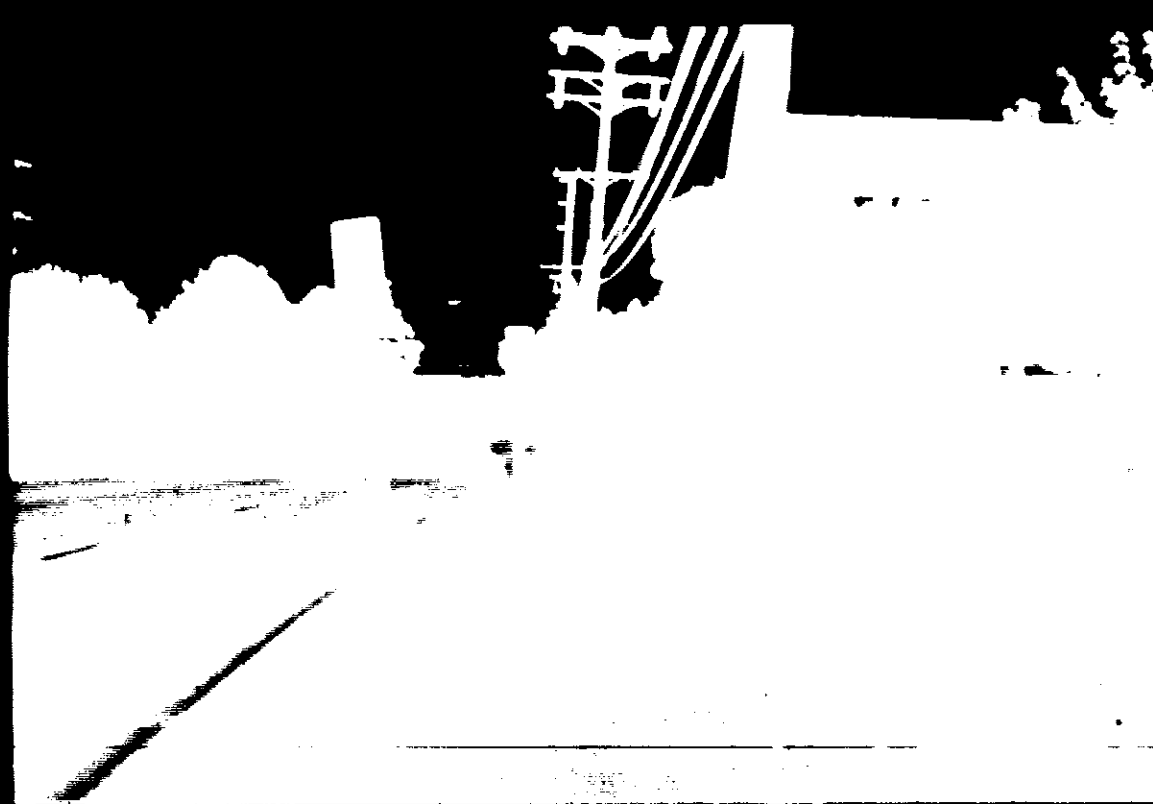
PROJECT NUMBER: IV-452

RECOMMENDATIONS
The Office of Planning and Zoning has reviewed perspectives of the north and south view of the station along Reisterstown Road, showing the proposed signs integrated with landscaping and trees to be preserved, and recommends that Variance 5, to permit two free standing ground mounted signs totalling 199.10 square feet, be GRANTED.

Division Chief: *Eric M. Davis*

END:rdm

9304432.DVA/PHONE/CONCEPT



View from north of Site on Reisterstown Road looking south past the Site and intersection with Franklin Boulevard



View standing in driveway of Site and looking south on Reisterstown Road past intersection with Franklin Boulevard

PETITIONER'S
EXHIBIT 5

WES GUCKERT PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in over 2,000 projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey, and Delaware. As a result of his expertise, Mr. Guckert has provided consultation on projects throughout the United States.

Early in his career, Mr. Guckert served for five years with the Maryland SHA Traffic Division. Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant for eight years. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Maryland Access Study. He has directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, Salisbury Centre, PortAmerica, Bowie New Town Centre, Towson Town Center and the Annapolis Mall Expansion.

JOB HISTORY

1985-Present
President, The Traffic Group, Inc.
1977-1985
Traffic and Transportation Planning Consultant

1972-1977
Maryland State Highway Administration—Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science—University of the State of New York
Civil Engineering Preparation, Johns Hopkins University,
Towson State University, and Essex Community College
Traffic Engineering Courses: Northwestern University,
Traffic Institute,
University of Tennessee Transportation Center
University of Maryland

AFFILIATIONS

Institute of Transportation Engineers (I.T.E.)
Urban Land Institute (U.L.I.)
American Planning Association (A.P.A.)
Transportation Research Board (T.R.B.)

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8458

PETITIONER'S EXHIBIT 7

The
Traffic
Group

Mr. Guckert has undertaken Traffic and Transportation Studies for more than ten Wal-Mart Stores in the Maryland region, and within the last two years. The Traffic Group, Inc. has undertaken numerous studies of Value Oriented Centers and other Regional Malls, including the Great Mall of the Bay Area (Milpitas, California), Chesapeake Factory Outlet Stores (Queenstown and Perryville, Maryland), The Mall at Steamtown (Scranton, Pennsylvania), and is working on two other Great Mall Projects in Kansas City and Tampa.

A renowned expert in the field, Mr. Guckert is often asked to serve as an expert witness, testifying before County and Municipal Boards and District Courts on traffic engineering and transportation planning issues.

In 1992, in anticipation of enforcement of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators," a division of The Traffic Group, Inc. Transportation Coordinators will provide consultation to major employers who need to increase employee automobile occupancy in order to comply with the Clean Air Act Amendments to reduce automobile pollutants.

I.T.E. PROFESSIONAL COMMITTEES

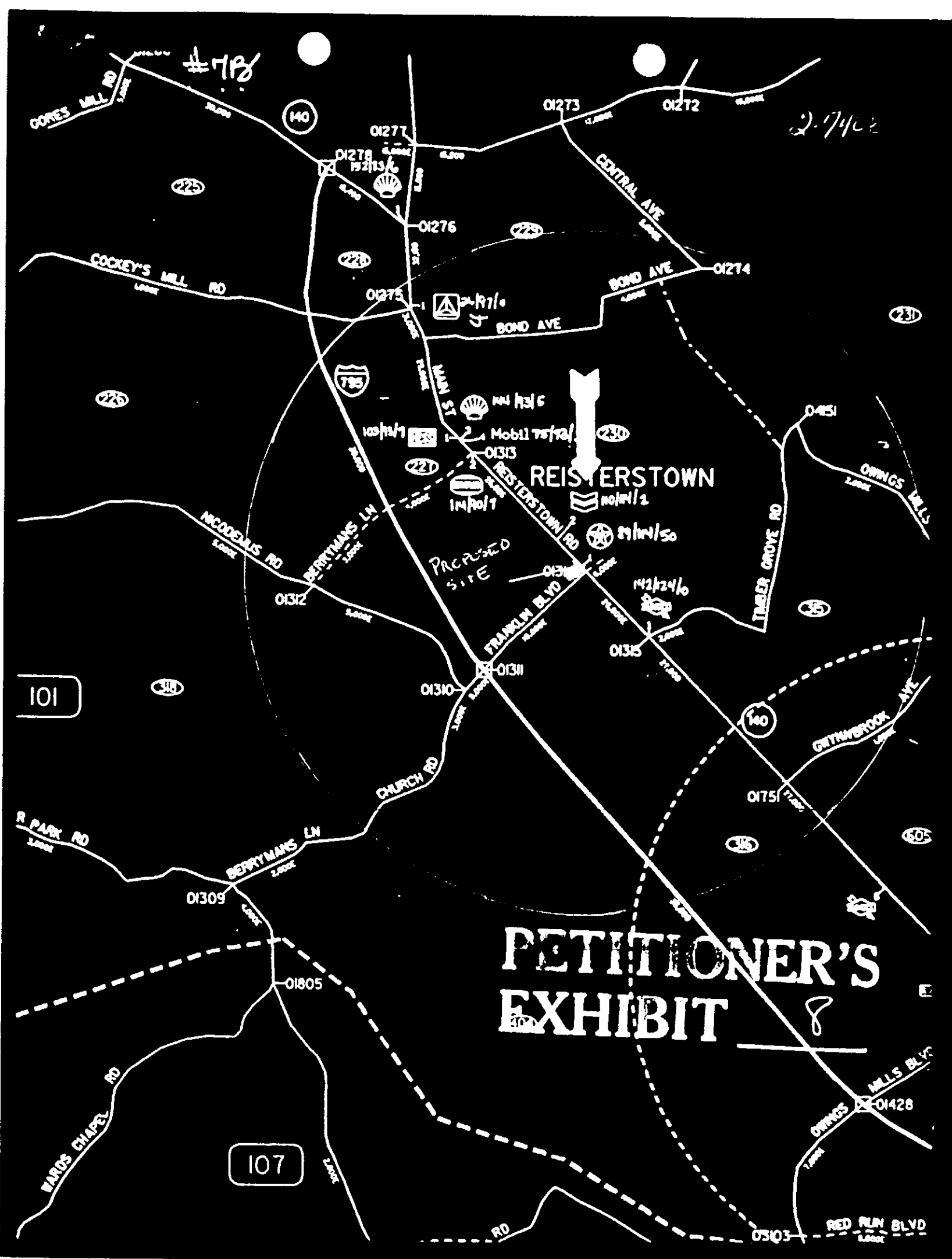
Traffic Considerations for Special Events
Parking Facilities for Industrial Plants
Internal Transportation Systems for Majority Activity Centers

PUBLICATIONS

"The Evolution of Adequate Public Facilities, and Their Effectiveness as Growth Management Tools in Maryland" (Co-Author)—I.T.E. 1991 Annual Meeting
"Trip Generation Comparisons of Club Warehouse Stores"
"Value Oriented Retail Centers—A Yellow Tip Report"

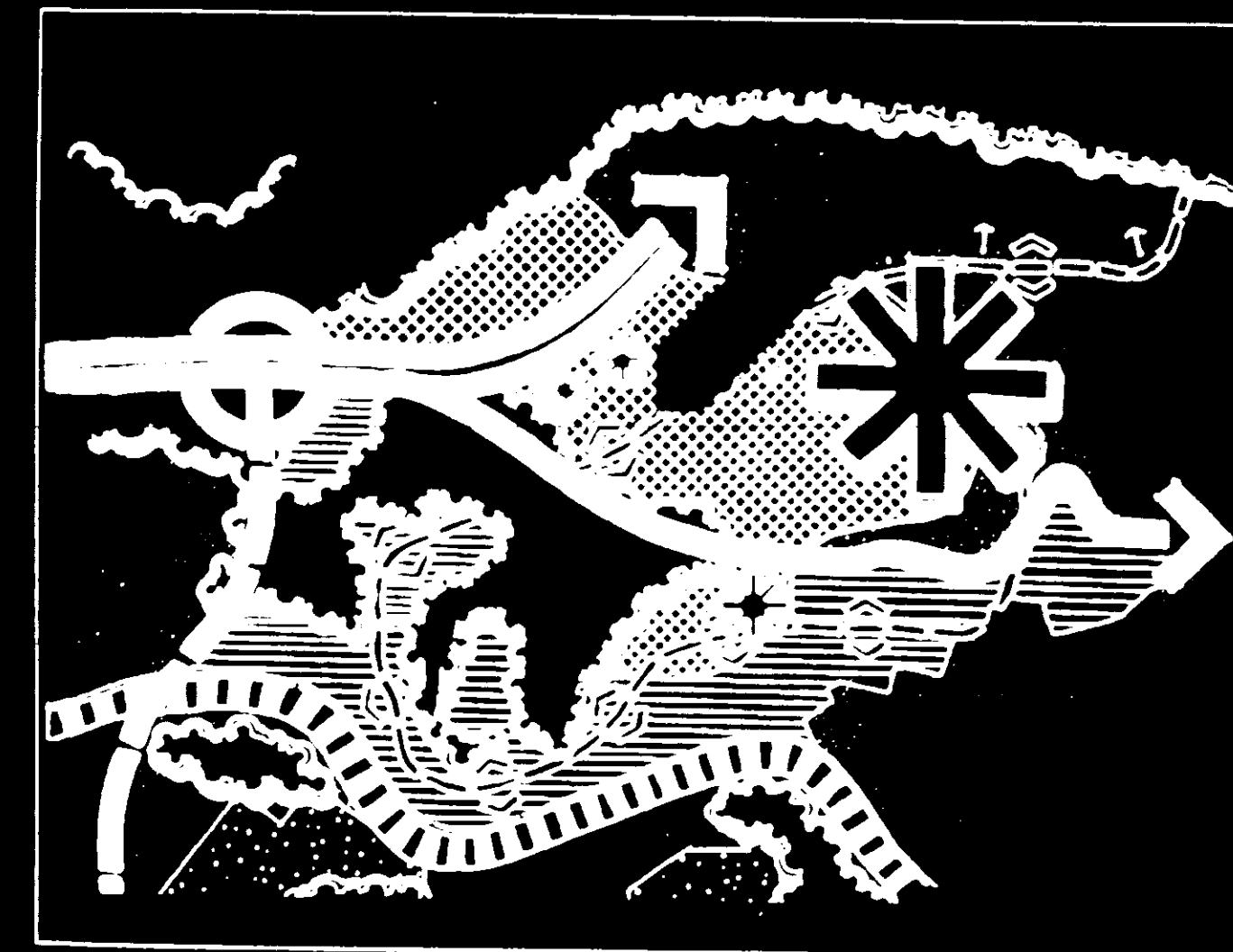
PUBLIC AGENCY CLIENTS

Anne Arundel County Department of Public Works
Baltimore County Department of Public Works
Calvert County Department of Planning and Zoning
City of Westminster, Carroll County
Delaware Department of Transportation
Federal Highway Administration
Maryland State Highway Administration
Maryland National Capital Park & Planning Comm.,
Dr. George's Co. and Montgomery Co.
Prince George's County Department of Public Works
Town of Bel Air, Harford County
Town of Kensington, Montgomery Co.
Town of Mt. Airy, Carroll County
Montgomery County Department of Transportation
Washington County Department of Public Works



PETITIONER'S Master Plan EXHIBIT 9

Baltimore County 1989-2000 Implementation Report



July, 1992

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is entered into as of the 25 day of October, 1992, by and between THE ALTFIELD DEVELOPMENT COMPANY, INC. ("Altfield") and/or its assigns, and the REISTERSTOWN-OWINGS MILLS-GLYNDON COORDINATING COUNCIL, INC., ("ROG"), an incorporated community association and the FRANKLIN HIGH SCHOOL PTSA, ("PTSA").

RECITALS

A. C. E. McWilliams, Jr., M.D. and Nellie McWilliams, his wife, ("McWilliams") are the owners of a tract of land consisting of approximately 1.26 acres, located on the west side of Reisterstown Road, northwest of its intersection with Franklin Boulevard, in the Third Councilmanic District of Baltimore County, Maryland (the "Land"). The Land is more particularly described in deeds recorded among the Land Records of Baltimore County at Liber 2281, folio 180. For the purpose of this Agreement herein "Land" shall mean the portion of the McWilliams tract to be rezoned from RL to RL-CMS and anticipated to be inhabited by a service station-car wash-convenience store to be located at the corner of Reisterstown Road and Franklin Boulevard and certain commercial uses permitted within a RL zone.

B. Altfield entered into a contract to purchase the Land from McWilliams with the further intent of developing the property commercially once it had acquired ownership.

C. The members of ROG and PTSA are residents of Baltimore County who are interested, among other things, in preserving the

PETITIONER'S EXHIBIT 10

AMENDMENT TO RESTRICTIVE COVENANT AGREEMENT

THIS AMENDMENT TO RESTRICTIVE COVENANT AGREEMENT ("Amendment") is made this 15 day of December, 1993, by and between THE ALTFIELD DEVELOPMENT COMPANY, INC. ("Altfield") and/or its assigns, the REISTERSTOWN-OWINGS MILLS-GLYNDON COORDINATING COUNCIL, INC., ("ROG"), an incorporated community association and the FRANKLIN HIGH SCHOOL PTSA ("PTSA").

RECITALS

A. Altfield, ROG and PTSA are parties to a Restrictive Covenant Agreement dated as of October 8, 1992 (the "Agreement") regarding the development of certain land (the "Land") located on the west side of Reisterstown Road, northwest of its intersection with Franklin Boulevard, and more particularly described in the Agreement.

B. The Agreement anticipates the development of the Land with a service station-car wash-convenience store and contains restrictive covenants agreed upon by Altfield, ROG and the PTSA regarding the development thereof.

C. Section 4 of the Agreement prohibits Altfield from requesting variances with respect to the size and/or number of free standing signs on the Land.

D. As part of the development process and subsequent to the date of the Agreement, the parties reached agreement that two ground mounted and masonry trimmed free standing signs will be constructed on the Land. Pursuant to Section 413.5(A) of the Baltimore County Zoning Regulations ("BCZR"), the area of the masonry trim is counted in determining the sign face area. The intent of Section 4 of the Agreement was to permit Altfield to use all of, but not more than, the 100 square feet of sign face area allowed under Section 413.2(F) of the BCZR. Altfield's agreement to use masonry trim, as requested by ROG and the PTSA, has the unintended consequence of reducing the actual sign face area by the area of the masonry trim.

E. To address this unintended result the parties desire to amend Section 4 of the Agreement as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to amend the Agreement as follows:

1. Section 4 of the Agreement is hereby deleted in its entirety and the following is inserted in lieu thereof:

4. Altfield further agrees that all free standing signs erected on the Land shall be within the limits prescribed by the county

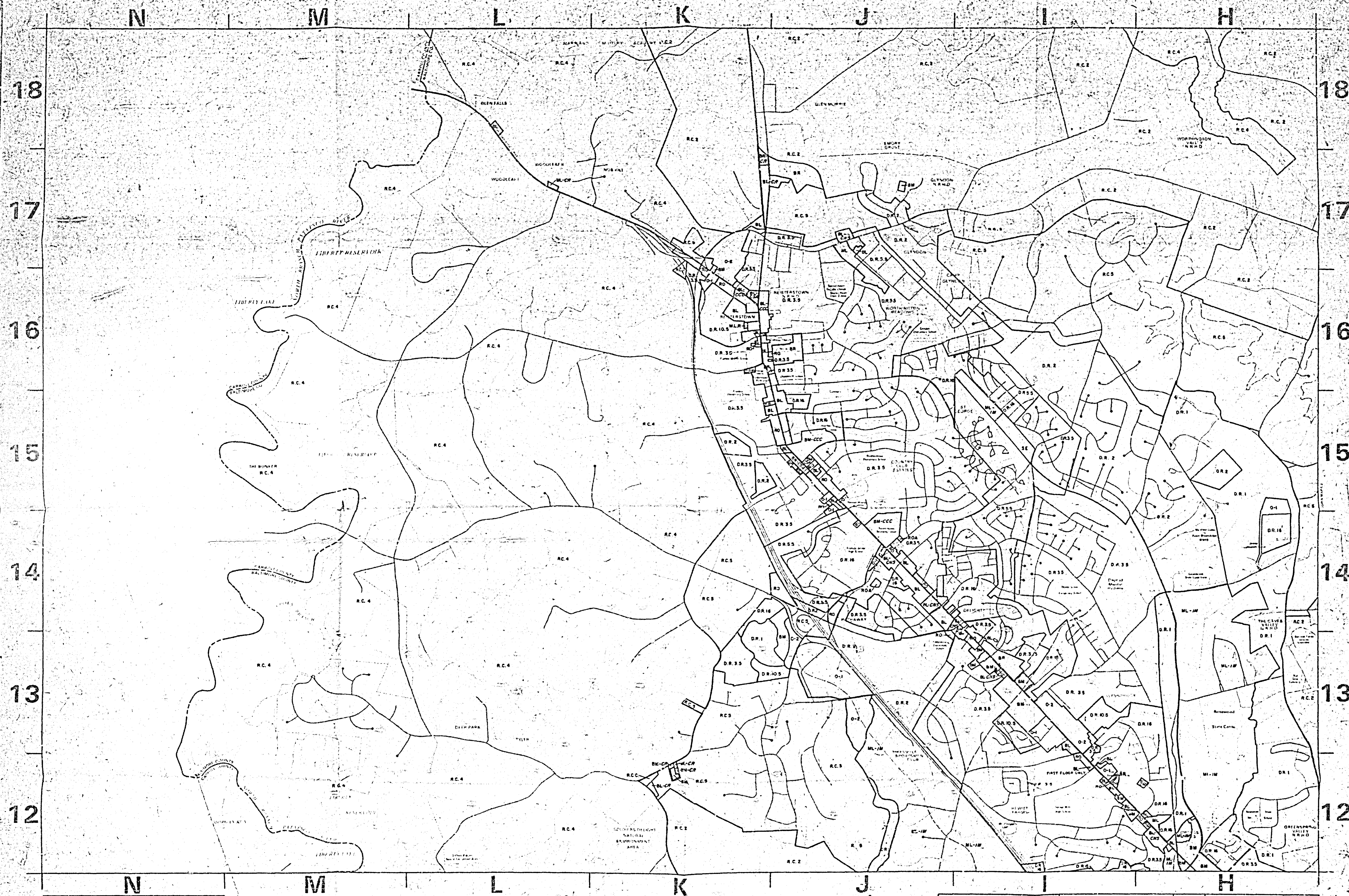
- 1 -

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3880-100890

Exxon Shop

A Commitment To Excellence And Convenience

EXXON



1990 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1990

William A. Howard
Chairman, County Council

Baltimore County, Maryland

A1	A2
B1	B2
C1	C2
D1	D2
E1	E2
F1	F2
G1	G2

Revisions
PETITIONER'S EXHIBIT
2

SHEET
D-1
Scale: 1"=1000'

FRANKLIN SENIOR HIGH SCHOOL
BOARD OF EDUCATION
3009/465,3503/509
CURRENT ZONING DRUG

CHERRY HILL ROAD

GOOD YEAR TIRE STORE
RETAIL AND AUTO SERVICE
SCOTT S. BAIR and ANITA B. BAIR
DEVELOPMENT COMPANY OF AMERICA
5225/304
CURRENT ZONING BL

VACANT LOT
CHERRY HILL LIMITED PARTNERSHIP
7396/200
CURRENT ZONING BL

OWINGS COURT
DWG # 85-0004
60' R/W

OWINGS COURT
OFFICE BUILDING
CHERRY HILL
LIMITED PARTNERSHIP
MAP 57 P.107
CURRENT ZONING O-1

CE. McWILLIAMS, JR. &
NELLY J. McWILLIAMS
PART OF DEED 2281/180
CURRENT ZONING BL

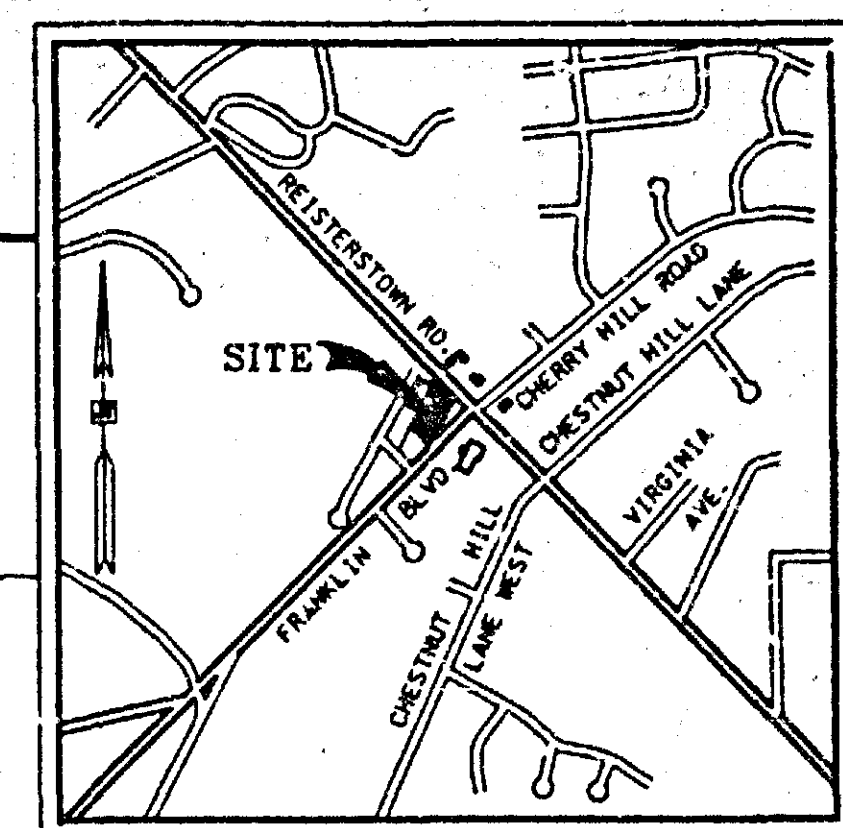
FRANKLIN BOULEVARD

DWG # 85-0004
(R/W VARIES)

REISTERSTOWN ROAD (MD RTE 140)

PETITIONER'S
EXHIBIT 12
LEGEND

- ① SIGN KEY
② VARIANCE KEY
③ PARKING SPACES
→ FLOW OF TRAFFIC
(NOT STRIPING)
- ④ CAR WASH STACKING
⑤ GAS PUMP STACKING
⑥ GAS PUMP WAITING



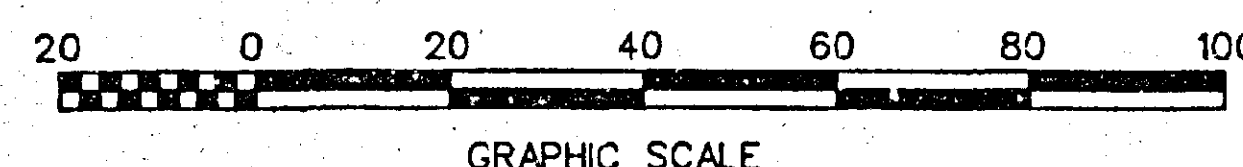
VICINITY MAP
SCALE: 1" = 1000'

TEXACO GASOLINE STATION
ADMIRAL CONSTRUCTION CORP.
MAP 48 P.232
CURRENT ZONING BM-CCC

INSURANCE OFFICE
CHERRY HILL GENERAL PARTNERSHIP
MAP 48 P.236 A
CURRENT ZONING RO

PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE HEARING

230



OWNER/DEVELOPER/APPLICANT
EXON COMPANY, U.S.A.
6301 IVY LANE
SUITE 200
GREENBELT, MARYLAND 20770
ATTN: MR. M.B. OLAFSON
PHONE: (301)-515-7511

FREDERICK ENGINEERS
5 SOUTH MAIN STREET
ATTN: MR. JOHN MASONE

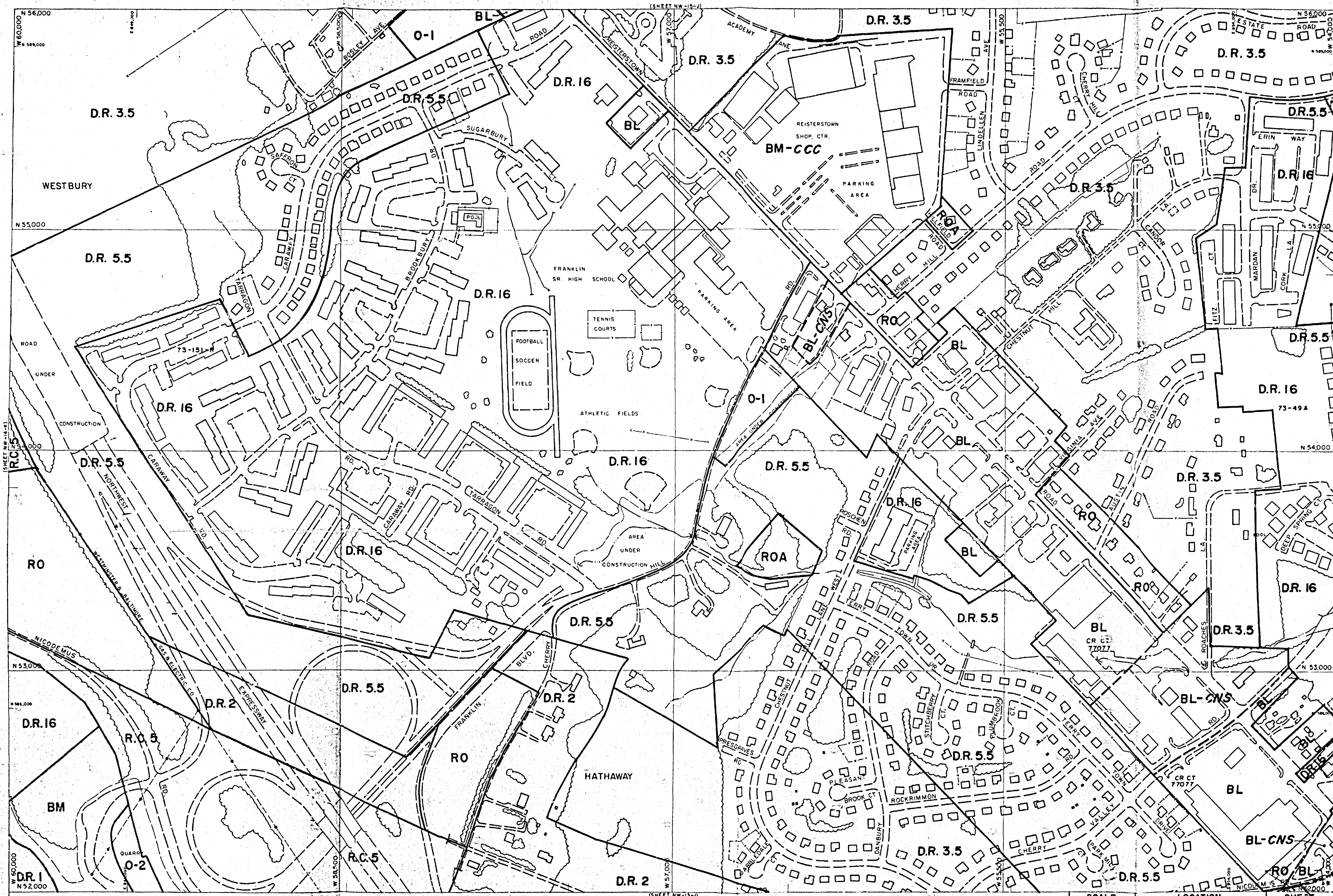
WARD ASSOCIATES INC.
ARCHITECTS
BEL AIR, MARYLAND 21014
SURVEYORS
(410)879-2090

DATE	REVISIONS	BY	CHK.

EXON COMPANY, U.S.A.
Working Department
DATE: 11/24/1993
DRAWN BY: CB
CHK. BY: TFW
SCALE: 1" = 20'
SITE PLAN
FOR AN EXON STATION AT
11804 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND
FOURTH ELECTION DISTRICT, THIRD COUNTY COUNCIL DISTRICT

PROJECT NO.
93145.00
DISC. NO.
RAS. NO.
2-1638
DWG. NO.
01 OF 03

94-221-XA



Y-NE T-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	DELIGHT	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		14-J